WP(C) 2904/2007
BEFORE
THE HON'BLE MR JUSTICE AFTAB H SAIKIA

Heard Mr O. P. Bhati, learned counsel for the petitioner including the learned State Counsel, Assam representing the official respondents. Also heard Mr K P Sharma, learned Sr. counsel assisted by Mr H N Das, learned counsel for the respondent No 4.

Keeping in view the issue raised in this writ petition and also upon hearing the learned counsel for the parties, this Court proposes to dispose of this writ petition to-day itself at the motion stage.

On meticulous scrutiny of the materials available on record including the annexures appended in this writ petition, it appears that initially the petitioner was settled with the Hasila Beel Bus Stand Mahal (for short, 'the Mahal) under the Goalpara Municipal Board, Goalpara for one year for the period from 1.4.2007 to 31.3.2008 by order dated 8.3.2007 pursuant to the Notice Inviting Tender (for short, 'the NIT') dated 18.2.2007. The petitioner also, pursuant to such settlement, deposited his 50% of the kist money i.e. Rs. 60,5000/- as reflected from the Annexure - C to the writ petition.
However, to the utter surprise of the petitioner, his such settlement has been cancelled by the impugned order dated 5.6.2007 and by the same order, the Respondent No 6 has now been settled with the Mahal.

The impugned order dated 5.6.2007 may be quoted as under: -

OFFICE OF THE GOALPARA MUNICIPALITY: : GOALPARA.
No. GDO/MB/1/2007/183 DATED 5TH JUNE, 2007.

In continuation of the order No GL XVI/2/07/535-539 Dated 2nd June'07 Sri Jobder Ali is hereby directed to collect the tolls and fees from the Hasila Beel Bus Stand Mahal as per the provision of Assam Municipal Act, 1956 with immediate effect.

This cancels the earlier order No. GMB/GL/16/02/07/1226 Dated 8/03/07 issued to Sri Khagen Ch. Ghosh.

Sd/

Sri J.S.Kakoty)
Executive Officer
Goalpara Municipality, Goalpara.

A bare reading of the impugned order would candidly go to indicate that the same has been passed without following the fundamental principles of Natural justice.

That being so, this Court is of the considered view that the impugned order is liable to be set aside and quashed as the same is hit by the principles of natural justice. It is ordered accordingly.

Since the impugned order is interfered with due to fragrant violation of the doctrine of natural justice , as the petitioner was not given any opportunity of hearing before passing the order assailed, liberty is granted to the respondents particularly, the Goalpara Municipal board to take necessary action as regards the settlement of the Mahal in question by giving adequate and reasonable opportunity of hearing to the petitioner, if so advised and so inclined.

Consequently, this writ petition stands allowed.